

**STATE OF INDIANA – COUNTY OF WHITE
IN THE WHITE CIRCUIT AND SUPERIOR COURTS**

**Notice of Proposed Amendment to Local Court Rule
LR91-TR79-CIV-9 Assignment of Civil Cases
May 13, 2011**

In accordance with Trial Rule 81 of the Indiana Court Rules and pursuant to the Indiana Supreme Court Order Establishing Temporary Procedures for Selection of Special Judges dated January 12, 2011, the White Circuit and Superior Courts give notice to the bar and the public that the Courts propose to amend Local Rule LR91-TR-79-CIV-9 dealing with the selection of special judges in civil cases, subject to Indiana Supreme Court or the Division of State Court Administration approval, with a proposed effective date of July 1, 2011. All new text is shown by underlining and deleted text is shown by ~~striketrough~~.

The time period for the bar and the public to comment shall begin on May 13, 2011, and shall close on June 15, 2011. The proposed amendments to the rule will be adopted, modified or rejected before June 17, 2011, and, if required, the final version of the rule will be submitted to the Indiana Supreme Court for review and approval not later than June 20, 2011.

Comments by the bar and the public should be made in writing and mailed, or emailed, to:

Hon. Robert B. Mrzlack, Judge of the White Superior Court, Attn: Public Comment on Local Rules, White County Building, 110 N Main Street, Monticello, IN 47960-1005; or at r.mrzlack@hotmail.com.

A paper copy of the proposed amended local rule will be made available for viewing in the office of the Clerk of White County, White County Building, 110 N Main Street, Monticello, IN 47960-0350 during normal business hours. Persons with Internet access may view the proposed amended local rule at the following websites:

<http://www.whitecountyindiana.us/courts> or <http://www.courts.in.gov/rules/local>

Robert W. Thacker, Judge
White Circuit Court

Robert B. Mrzlack, Judge
White Superior Court

LR91-TR79-CIV-9 Assignment of Civil Cases Appointment of Special Judges in Civil Cases

Pursuant to Trial Rule 79(H) of the Indiana Rules of Trial Procedure, the Circuit and Superior Courts of White County, State of Indiana, hereby ORDER by LOCAL RULE that in all Civil Cases the assignment of a Special Judge pursuant to Trial Rule 79(H) shall be as follows:

~~————(A) Juvenile Cases. Each Judge of the 4th Administrative District, which includes White, Carroll, Tippecanoe, Benton, Warren, Fountain, Montgomery and Clinton Counties, who routinely presides over juvenile cases shall maintain a list of each other 4 such Judge and, when required pursuant to Trial Rule 79(H) to assign a special Judge, shall assign a Judge from said list on a rotating basis.~~

~~————(B) All Other Civil Cases.~~

~~————(a) Tippecanoe County: The five Judges of Tippecanoe County (not having juvenile case load) shall maintain a computer generated random selection system among said five Judges, to be managed through the County Clerk's Office and the County Data processing Department. Whenever a special Judge needs to be assigned pursuant to Trial Rule 79(H), the Judge shall direct that a Judge be selected by said random process.~~

~~————(b) All other counties of the 4th Administrative District shall maintain a list of each Judge from such county and the contiguous 4th District counties, excluding Tippecanoe County. When appointment of a special Judge is necessary pursuant to Trial Rule 79(H), the Judge shall appoint a Judge from said list on a rotating basis.~~

~~————(C) If the judge selected by this Rule becomes disqualified or no judge is eligible to serve as special judge, the judge having jurisdiction of the cause shall notify the Indiana Supreme Court of the circumstances relevant thereto and request that a special judge be appointed by the Supreme Court.~~

~~————This Local Rule for White County, State of Indiana, shall be effective from and after October 1, 1995.~~

~~————The foregoing Local Rule on Assignment of Civil Cases pursuant to Trial Rule 79(H), having been formally adopted by the White Circuit and Superior Courts, pursuant to the authority of Trial Rule 79, the same is hereby promulgated and made effective this 1st day of October, 1995. Two copies of said local rule shall be furnished to the Clerk of the Indiana Supreme Court and Court of Appeals pursuant to Trial Rule 79 of the Indiana Rules of Procedure.~~

~~————The White County Clerk, as Clerk of the White Circuit Court and White Superior Court, is hereby ordered and directed to provide a copy of this local rule to all White County attorneys and to maintain a copy of this local rule in the Clerk's Office for examination by the Bar and general public.~~

Pursuant to Trial Rule 79(H) of the Indiana Rules of Trial Procedure, in the event that a special judge needs to be appointed under local rule in a civil case in either of the two courts of White County, the appointment shall occur from the following: (1) the judge of the other White County court; (2) senior judges assigned to the court; (3) judges from within the Administrative District; and (4) judges from outside the Administrative District but from contiguous counties that have agreed to serve as special judges.

If a special judge is not obtained pursuant to this local rule, or if the particular circumstances of the case warrant, the case shall be certified to the Supreme Court for the appointment of a special judge.

Amended July 1, 2011